

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK ROBERT QUIROZ,

No. C 05-2938 JF (PR)

Plaintiff,

ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
OPPOSITION; ADDRESSING PENDING
MOTIONS

v.

JEANNE WOODFORD, et al.,

Defendants.

(Docket Nos. 16, 17, 36 & 38)

Plaintiff has filed ex-parte motion for an extension of time to file his opposition to Defendants' motion to dismiss. Good cause appearing, Plaintiff's ex-parte motion for an extension of time (docket no. 38) is GRANTED. Plaintiff shall file his opposition no later than **July 10, 2008**. Defendants shall file a reply brief no later than **fifteen (15) days** after Plaintiff's opposition has been filed.

Plaintiff's motion for appointment of counsel (docket no. 16) is denied without prejudice for lack of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986).

Plaintiff filed a motion (docket no. 17) requesting the Court to issue an order directing the Attorney General to locate outstanding defendants Millionan and Dr. Astorga so the U.S. Marshal can complete service. For Defendant Millionan, the notation in the Remarks section

1 of the unexecuted summons says: "The subject is not known at the facility." (Docket No.
2 13.) For Defendant Astorga, the notation in the Remarks section of the unexecuted summons
3 says: "Subject has retired from the facility with no forwarding address." (Docket No. 12.) It
4 is Plaintiff's responsibility to provide accurate addresses for Defendants so they can be
5 served by the United States Marshal. Defendants Millionan and Astorga are not where
6 Plaintiff said they are as Millionan is not known at the facility and Astorga appears to have
7 retired and is no longer employed by the California Department of Correction. As such, it is
8 not incumbent upon the Attorney General's Office to locate these Defendants and provide
9 Plaintiff with their addresses. Accordingly, the Court will not order the Attorney General's
10 Office to provide further information regarding the whereabouts of Defendant Astorga.
11 Plaintiff's motion (docket no. 36) requesting the Court to issue an order directing the
12 Attorney General to locate outstanding defendants is DENIED.

13 If Plaintiff can locate Defendants Millionan and Astorga, the Court again will order
14 the marshal's office to serve them. Failure to locate them may result in their dismissal
15 without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

16 Defendant's motion for a stay of discovery (docket no. 36) is GRANTED because it is
17 well-settled that a stay of discovery should be granted until the threshold question of
18 qualified immunity is settled. See Crawford-El. V. Britton, 523 U.S. 574, 598 (1998).

19 IT IS SO ORDERED.

20 DATED: 6/2/08

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22 JEREMY FOGEL
23 United States District Judge
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